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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,168	03/26/2004	Paul Giampavolo	SFSTP-003XX	1995
207 7590 10/09/2007 WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP TEN POST OFFICE SQUARE BOSTON, MA 02109			EXAMINER RODRIGUEZ, RUTH C	
			ART UNIT	PAPER NUMBER
			3677	
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			10/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/811,168

Applicant(s)

GIAMPAVOLO, PAUL

Examiner

Ruth C. Rodriguez

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 24-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1,3,24 and 25 is/are allowed.
- 6) ☒ Claim(s) 26-28,30-34,36 and 37 is/are rejected.
- 7) ☒ Claim(s) 29 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/11/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 31 July 2007 has been entered.

Claim Objections

2. Claim 26 objected to because of the following informalities: Claim 26, line 22, "part" should be replaced with --parts--. Correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 26-28, 30-34, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document 2001-61514 (JP '514) in view of Galbreath (US 6,138,330).

A safety buckle (A,B) comprises a first buckle member (A) including a first engagement part (22b,32 or 74a,75c) and a second buckle member (B) including a second engagement part (22,32a). The first and second buckle members are complementary shaped to provide an interactive fit when the first and second buckle members are fitted together (Figs. 1-37). The first and second engagement parts are cooperative to retain the first and second buckle members together when the first and second buckle members are fitted together in a first relative orientation (Figs. 1-37). One of the first or second engagement parts (B) have a symmetrically functional counterpart (32a) such that another of the first or second engagement parts cooperates with the counterpart to retain the first and second buckle members together when the first and second buckle members are fitted together in a relative orientation different from the first relative orientation (Figs. 6 and 30). The one of the first and second engagement parts being free from engagement (Figs. 6 and 30). A disengagement device (C) is one of the first and second buckle members and operable to displace the first or second engage parts to disengage one or more engagements involving the central arm. Galbreath fails to disclose that the disengagement device is integral with the first or second buckle. However, Galbreath teaches a safety buckle comprises a socket (13) and a plug (10) shaped to be cooperatively joined in a clasped condition

(Figs. 1-6 and 14). A latching mechanism (11a,11b,14a) is included in the socket (Figs. 1-6 and 14). The latching mechanisms are arranged with functional symmetry to permit the buckle members to be joined and clasped with the latching mechanism in a plurality of orientations (Figs. 1-6 and 14). A blocking device (16c) protrudes from a first surface of a cavity of the socket and is provided between two members (11a,11b) of the latching mechanism to prevent disengagement of the latching mechanism (Figs. 1-6 and 14). A disengagement device (20) is provided integral with the socket so that the user can pull the blocking device from between the two members (11a,11b) of the latching mechanism in order to allow disengage the latching mechanism (C. 5, L. 23-26 Figs. 1-6 and 14). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the disengagement device being integral with one or more of the first and second buckle members as taught by Galbreath in the buckle of JP '514 such that the disengagement device is attached to the latching mechanism (75c) disclosed by JP '514. Doing so, allows pulling the latching mechanism (75c) of JP '514 by using the disengagement device (20) of Galbreath without the use of tools since the use of tools is undesirable for emergency situations where the buckle is used with children and quick removal of the latching mechanism is needed and the use of a separate disengagement device is time consuming (finding and using) and complicated (inserting and actuating the tool).

JP '514 also discloses that:

- The safety buckle further comprises a central arm (30) on one of the first or second buckle members. The first or second engagement part (32a) is located on the central arm (Figs. 1-37).
- The counterpart (32a) is located on an opposite side of the central arm from the first or second engagement part (Figs. 1-37).
- The engagement part on the central is formed as a recess with a shoulder near an end of the central arm (Figs. 2-8e). The counterpart also is arranged on the central part (Figs. 2-8e).

The combination of JP '514 and Galbreath discloses that one of the or second engagement parts (75c) disclosed by JP '514 is located on the disengagement device (20) taught by Galbreath.

A safety buckle (A,B) that can be clasped in a plurality of orientations comprises a first buckle member (A), a second buckle member (B), a first engagement structure (75a), a second engagement structure (32a in the upper surface of the central arm), another engagement structure (32a in the lower surface of the central arm) and a disengagement device (C). The first buckle member and the second buckle member are complementary shaped to fit together with each other in a clasped condition (Figs. 1-37). A first engagement structure and a second engagement structure internal to the buckle in the clasped condition with one of the first and second engagement structures on each of the first and second buckle members and sized and positioned to cooperate with each other to retain the first and second buckle members together in the clasped condition in a first orientation (Figs. 1-37). The another engagement structure is located

on one of the first or second buckle members and sized and positioned to cooperate with one of the first and second engagement structures to retain the first and second buckle members together in the clasped condition in a second orientation different from the first orientation (Figs. 1-37). The another engagement structure is free from engagement in the second orientation (Figs. 1-37). The disengagement device is on one of the first or second buckle members and operable to displace the first or second engagement structure to disengage cooperative engagement structures when actuated (Figs. 1-37). The However, Galbreath teaches a safety buckle comprises a socket (13) and a plug (10) shaped to be cooperatively joined in a clasped condition (Figs. 1-6 and 14). A latching mechanism (11a,11b,14a) is included in the socket (Figs. 1-6 and 14). The latching mechanisms are arranged with functional symmetry to permit the buckle members to be joined and clasped with the latching mechanism in a plurality of orientations (Figs. 1-6 and 14). A blocking device (16c) protrudes from a first surface of a cavity of the socket and is provided between two members (11a,11b) of the latching mechanism to prevent disengagement of the latching mechanism (Figs. 1-6 and 14). A disengagement device (20) is provided integral with the socket so that the user can pull the blocking device from between the two members (11a,11b) of the latching mechanism in order to allow disengage the latching mechanism (C. 5, L. 23-26 Figs. 1-6 and 14). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the disengagement device being integral with one or more of the first and second buckle members as taught by Galbreath in the buckle of JP '514 such that the disengagement device is attached to the latching

mechanism (75c) disclosed by JP '514. Doing so, allows pulling the latching mechanism (75c) of JP '514 by using the disengagement device (20) of Galbreath without the use of tools since the use of tools is undesirable for emergency situations where the buckle is used with children and quick removal of the latching mechanism is needed and the use of a separate disengagement device is time consuming (finding and using) and complicated (inserting and actuating the tool).

JP '514 also discloses that:

- The safety buckle further comprises a central arm (30) on one of the first or second buckle members. The one of the first or second engagement structure (32a) is located on the central arm (Figs. 1-37).
- The another engagement structure (32a) is located on an opposite side of the central arm from the one of the first and second engagement structures (Figs. 1-37).
- The one of the first or second engagement structures or the another engagement structure on the central arm is a recess with a shoulder near an end of the central arm (Figs. 1-37).

The combination of JP '514 and Galbreath discloses that one of the or second engagement structures (75c) disclosed by JP '514 is located on the disengagement device (20) taught by Galbreath

- The at least one or another engagement structure on the central is formed as a recess (32a) with a shoulder (32b) near an end of the central arm (Figs. 1-37).

Allowable Subject Matter

5. Claims 1, 3, 24 and 25 are allowed.
6. Claims 29 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments, see page 9 of Applicant's response, filed 31 July 2007, with respect to claims 1, 3, 24 and 25 have been fully considered and are persuasive. The rejection of claims 1, 3, 24 and 25 has been withdrawn.
8. Applicant's arguments filed 31 July 2007 have been fully considered but they are not persuasive.

The Applicant argues that claims 26 and 32 are allowable since the disengagement device displaces an engagement part that retains the first and second buckle members together or an engagement structure that contributes to retaining the buckle members together since JP '514 fails to disclose that the disengagement device is integral with one of the buckle members and Galbreath teaches a blocking member that only prevents the disengagement of the engagement parts or members that does not displace the engagement parts or members. The Examiner fails to be persuaded by this argument. In response to applicant's argument that there is no suggestion to

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combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, JP '514 teaches a buckle having most of the limitations required by the claims. JP '514 only fails to disclose that the disengagement device that displaces at least one of the engagement parts or members (75c) is integral with one of the buckle members. However, JP '514 does teach that at least one of the engagement parts or members is displaced to allow disengagement of the engagement parts or members upon actuation of the disengagement device. Galbreath serves as a teaching reference that a disengagement device can be integral with one of the buckle members in order to remove a member that is located internal of the buckle by displacing the member partially out of the buckle in order to allow the disengagement of the engagement parts or members. Galbreath teaches that the disengagement device is located in an external surface of the buckle member opposite to the member that is protruding into the buckle member and its actuation partially removes the member from the interior surface of the buckle member. Therefore, the combination of JP '514 and Galbreath serves to reject claims 26 and 32 since the disengagement device of Galbreath will partially remove the member (75c) that protrudes towards the interior surface of one of the buckle members disclosed by JP '514 since the disengagement device is located in

a surface opposite to the member. Additionally, as recited in the rejection, this combination eliminates the necessity of a separate tool that is required to move member 75 during an emergency situation where the use of the tool can consume valuable time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

/RCR/
Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
September 30, 2007


ROBERT J. SANDY
PRIMARY EXAMINER